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TAGS: [KCRM](#) [KWMN](#) [PHUM](#) [PREL](#) [SMIG](#) [TI](#) [KTIP](#)
SUBJECT: TAJIKISTAN: TIP TIER 2 WATCH LIST ACTION PLAN
(2009-2010)

REF: A. 2008 STATE 132759
[1](#)B. 2007 STATE 150188
[1](#)C. 2009 STATE 005577
[1](#)D. 2009 STATE 62182

[1](#)1. (U) This is an action request (see paras 2-4).

[1](#)2. (U) Begin action request: Drawing from points in para 8, Post is requested to approach appropriate host government officials to highlight the United States' strong commitment to continue to work with the Government of Tajikistan to help strengthen its efforts to combat and prevent trafficking in persons (TIP) and to assist victims. Post is requested to convey the recommendations in para 9 as a non-paper and draw from the talking points in para 8 to explain to the host government the need for prompt action on the first set of recommendations for a positive review in the interim assessment that the Department will release to Congress by February 2010 and for movement out of the Tier 2 Watch List in next year's Report. Additional recommendations are also included in para 9 to aid the host government in making progress in its overall anti-TIP efforts. The notes indicated in brackets in the action plan are for post,s background only and may be omitted from the non-paper. The &Implementation Guidelines8 referenced in the action plan notes are contained in reftel B. These guidelines provide guidance to posts on how the Minimum Standards of the Trafficking Victims Protection Act, as amended, (TVPA) are implemented, and have been cleared by regional bureaus.

[1](#)3. (U) Action request continued: Post is further requested to emphasize to the Government of Tajikistan that the first set of recommendations is designed to help remedy the specific shortcomings identified in the 2009 TIP Report that resulted in the placement of Tajikistan on the Tier 2 Watch List. These recommendations are often referred to as "high-priority" items for Tier 2 Watch List removal. However, sustained and significant anti-trafficking efforts by the government throughout the year will remain the basis for determining next year's tier placement. The interim assessment for Special Watch List countries (to include Tier 2 Watch List countries) will provide a progress report regarding the government's actions to address the short list recommendations designed to address the concerns that resulted in the country's placement on the Tier 2 Watch List in the 2009 TIP Report (high-priority items), but there will be no changes in tier ratings at that time. We will reconsider the government's tier placement when we conduct our annual full assessment for the March 2009-2010 reporting period next spring.

[1](#)4. (U) Action request continued: The Department recognizes that Post may choose to use this opportunity to provide additional recommendations, beyond the recommendations for moving out of the Tier 2 Watch List. In such a case, we request that Post make clear to the government which are the "high-priority" items to move off of the Tier 2 Watch List. The non-paper in para 9 includes both "high-priority" recommendations for Tier 2 Watch List removal and further-reaching goals for longer-term success in combating

trafficking in persons in all 3 P areas: Prosecution, Protection, and Prevention. (For posts, background information: G/TIP will be asking for posts to report on the country's progress in meeting these recommendations by no later than November 15, 2009, in order to compile narratives for the interim assessment.)

¶5. (U) In preparation for the interim assessment and 2010 TIP Report, the Department is asking posts to work with host governments throughout the year to collect as many statistics as possible on law enforcement actions and judicial proceedings related to TIP crimes, specifically the Department requests data on investigations, prosecutions, convictions, and sentences (e.g., fines, probation, length of prison sentences imposed, asset seizure information when available). Whether a government collects and provides this data is considered in determining whether the government qualifies for Tier 1. Law enforcement statistics, when available, are a good way of highlighting how well a government enforced its law and demonstrates strengths and weaknesses in various approaches. Please note that host governments and embassies must interpret data terms provided by host governments such as indictments, charges, cases disposed, cases submitted for prosecution, etc., to ensure that they fit into one of the following categories: investigations, prosecutions, convictions or sentences.

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The Department cannot accept "trafficking-related" law enforcement statistics (e.g, statistics on prostitution or smuggling offenses) because their direct correlation to trafficking crimes is not clear. The Department will accept only law enforcement data that fall into the following categories: (1) investigations, prosecutions, convictions, and sentences for offenses that are explicitly defined as trafficking; and (2) investigations, prosecutions, convictions, and sentences for offenses that are not defined explicitly as trafficking but in which the competent law enforcement or judicial authority has specific evidence indicating that the defendant was involved in trafficking.

¶6. (U) The Department is also asking Posts to engage with host governments on efforts to address amendments made by the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA). As indicated in reftel C, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). If a country is on the Tier 2 Watch List for two years but in the third year increases its efforts enough to be placed on Tier 2, that country will not be punitively downgraded to Tier 3. The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

¶7. (U) Please keep in mind the TIP Report measures host government efforts only. In order for anti-trafficking activities financed or conducted principally by parties outside the government to be considered for tier placement purposes, Post needs to demonstrate a concrete role or tangible value-added by a host government in such activities carried out by NGOs, international organizations, or posts. For example, this can include in-kind donations from the country to an NGO-run shelter, collaborating on training curricula for law enforcement officers or co-funding an anti-trafficking initiative.

8.(U) Background Points:

Begin talking points:

-- The Obama Administration views the fight against human trafficking, both at home and abroad, as a critical piece of our foreign policy agenda. We are committed to making progress on this issue in the months ahead by working closely with partners in every country.

-- The U.S. Government's Trafficking Victims Protection Act requires the State Department to submit an annual report to Congress on the status of foreign governments, efforts to combat trafficking in persons. Pursuant to the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), the Department created a special category for Tier 2 countries that do not show increasing efforts from the previous year, have a very significant number of victims, or whose Tier 2 rating is based on commitments to take additional steps over the next year.

-- Also as mandated by the TVPRA, by February 2010 the Department will submit to Congress an interim assessment. At the end of 2009 in preparation for that submission, the Department will conduct an assessment of Tier 2 Watch List countries' progress in responding to the specific issues of concern that resulted in the Tier 2 Watch List rating.

-- Tajikistan was placed on Tier 2 Watch List in this year's Report because of a lack of evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year.

-- We offer the following recommended actions (Action Plan for the Short-term) to tackle specific shortcomings highlighted in the 2009 TIP Report. We believe these to be within the reasonable ability of your government to fulfill in the near-term and encourage you to take prompt action for a positive narrative in the interim assessment. New tier evaluations will not occur at the interim assessment. We will reconsider a government's tier placement when we conduct our annual full assessment for the 2009-2010 reporting period next spring. Prompt, appropriate, and significant actions will lead to a more favorable tier placement; conversely, failure to address the issues

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mentioned above may lead to a Tier 3 placement.

-- We would welcome the Government of Tajikistan's comments on these recommendations and any other ideas you might have to advance our common struggle against trafficking in persons.

-- In addition to the short list of recommendations corresponding to our concerns that resulted in your government's placement on the Tier 2 Watch List in the 2009 TIP Report, we offer additional suggestions of actions that your government may choose to take (Action Plan for the Long term). These further measures would be in addition to Tajikistan's continuation of its current efforts to combat trafficking in persons.

End talking points.

19. (SBU) Begin Action Plan:

1A. Action Plan for the Short-Term: The following are recommended measures to produce a positive Interim Assessment in January 2010 and in the broader annual assessment of government efforts during the reporting period:

--Ensure identified victims are not assaulted or re-victimized by government officials and ensure such allegations of assault are fully investigated and culpable offenders are prosecuted and criminally punished.

--Prosecute and convict government officials who participate in or facilitate trafficking in persons, including forced labor during the annual cotton harvest, and ensure they serve time in prison.

--Prohibit the forced or coerced labor of children and adults in the annual cotton harvest by monitoring school and university attendance, inspecting cotton fields during the harvest, enforcing existing laws prohibiting the use of forced labor.

--Provide financial or in-kind assistance to existing trafficking shelters.

--Vigorously investigate and prosecute trafficking offenses, including those involving labor trafficking, and convict and punish trafficking offenders with imprisonment.

1B. Other areas the government should consider for action to boost its overall anti-trafficking efforts:

Prosecution:

-- Improve trafficking data collection and analysis.

--Ensure better coordination between law enforcement and security institutions, particularly the State Committee on National Security.

--Improve law enforcement and judicial technical capacity to apply trafficking-specific statutes to traffickers; continue training for judges and prosecutors on the application of trafficking-specific statutes.

Protection:

--Develop an effective victim identification and referral mechanism.

--Make health and social services available to all victims of trafficking.

--Increase the number of victims provided with shelter and assistance.

--Improve safe victim repatriation by training diplomatic staff to better assist Tajik trafficking victims, providing financial assistance for the safe transportation of victims back to Tajikistan, and working with local NGOs to ensure repatriated victims in need of accommodation are assisted.

--Consider developing measures to better protect the physical safety of victims of trafficking, thereby further encouraging victims to participate in trafficking investigations and prosecutions.

--Collect and provide statistics of the number of individuals screened by law enforcement and border guards and referred for assistance.

Prevention:

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--Be directly involved in trafficking awareness campaigns, and ensure anti-trafficking information appears in government media outlets.

--Increase public awareness about the dangers of forced labor in the construction and agricultural industries abroad.

-- Identify and consider eliminating practices that potentially encourage the use of forced labor. For example, consider allowing farmers to sell their cotton on the open

market rather than receiving artificially low government controlled prices for their crop.

End non-paper.

¶10. (U) The Department thanks post for its continued efforts to address trafficking in persons issues.
CLINTON